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JAN P. JOHNSON
Standing Chapter 13 Trustee
P. O. Box 1708
Sacramento, California 95812-1708
(916) 492-8001
pobox1708@pj13trustee.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

IN RE:) Case No: 09-33056-B-13J
) DC No.: JPJ-01
)
DONNELLY SCHOTT,) **TRUSTEE'S OBJECTION TO**
KATHY SCHOTT,) **CONFIRMATION OF THE CHAPTER**
) **13 PLAN AND CONDITIONAL**
) **MOTION TO DISMISS CASE**
)
)
) DATE: SEPTEMBER 15, 2009
) TIME: 9:32 A.M.
Debtor(s)) COURTROOM: 33

JAN P. JOHNSON, CHAPTER 13 TRUSTEE, objects to confirmation of the Debtor(s)
Plan and does not recommend its confirmation as:

1. The trustee is unable to fully determine if the debtors' plan complies with 11 U.S.C. §1325 (b)(1)(B) as Mr. Schott testified at the First Meeting of Creditors on August 13, 2009 that the income stated on the Statement of Current Monthly Income (Form 22) fails to include VA disability and Civil Service disability income. If the correct amounts are listed this would possibly bring the debtor's over the median income and require them to complete the entire Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income.

1 the debtor's Plan, and an order dismissing the case if a new Plan is not filed, served on all parties,
2 and set for hearing by September 29, 2009.

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4 Dated: August 19, 2009


/s/ Jan P. Johnson
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6 Standing Chapter 13 Trustee
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